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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/656,531	09/07/2000	Tim Armandpour	P3929	2317

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EXAMINER

BASEHOAR, ADAM L

ART UNIT PAPER NUMBER

2178

DATE MAILED: 11/28/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/656,531	Applicant(s) ARMANDPOUR ET AL.	
	Examiner Adam L. Basehoar	Art Unit 2178	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 02 November 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-28 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-28 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This action is responsive to communications: The RCE filed 11/02/06.
2. The rejection of Claims 1-2 and 12-28 under 35 U.S.C. 103(a) as being unpatentable over Weinberg et al (US-6,360,332 03/19/02) have been withdrawn as necessitated by Amendment.
3. The rejection of Claims 3-11 under 35 U.S.C. 103(a) as being unpatentable over Weinberg et al (US-6,360,332 03/19/02) in view of W3C's, "HTML 4.0 Specification," 04/24/98, <http://www.w3.org/TR/1998/REC-html40-19980424/>, pp. 1-27 (Hereafter W3C) have been withdrawn as necessitated by Amendment.
4. Claims 1-28 are pending in the case. Claims 1, 12, and 18 are independent claims.

Claim Rejections - 35 USC § 101

5. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

6. Claims 1-11 rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. Claims 1-11 are directed toward a software application which itself is not considered statutory. The software application of the claims must be embodied on an appropriate computer readable medium.

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

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(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 1-28 are rejected under 35 U.S.C. 103(a) as being unpatentable over DaCosta et al (US-6,826,553 11/30/04) in view of Weinberg et al (US-6,360,332 03/19/02).

-In regard to substantially similar independent claims 1 and 12, DaCosta teaches an application for enabling automated notification of applied structural changes to electronic information pages on a network comprising:

an interface for enabling users to build and modify network navigation and interaction templates using functional logic blocks for automatically navigating to and interacting with interactive electronic information pages on the network (column 2, lines 11-30; column 5, lines 30-67)(Figs. 1 & 7);

a navigation interface for integrating the software application to a proxy-navigation system for periodic execution of the templates (column 5, lines 19-20: "automatically repeat these steps in a scheduled manner");

a change notification module for indicating a point in process where a navigation and interaction routine has failed and for creating a data file containing parameters associated with the failed routine (column 6, lines 9-13 & 35-41; column 18, lines 54-65); and

sending proper notifications of the failed script to the developer upon failure of the script (column 6, lines 9-13 & 35-41; column 18, lines 54-65). DaCosta does not specifically teach storing the data file in a data repository with a point-of-failure indication and an identifier of the associated electronic information page subjected to the navigation. Weinberg teaches storing the data file (column 2, lines 39-40; column 6, lines 19-22), wherein the application periodically

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submits test navigation and interaction routines (column 6, lines 19-22), and upon failure of the routine, creates a data file (column 2, lines 39-40; column 3, lines 29-43; column 6, lines 19-22; column 17, lines 10-52)(Fig. 5F), the data file comprising a point-of-failure indication within the failed routine (Fig. 5F: column 17, lines 17-21), an identifier of the associated electronic page (columns 17-18: lines 62-12)(Fig. 5F: “URL: www.mercint.com”), and stores the data file in the data repository sending notification of the action to the developer (column 2, lines 39-40; column 6, lines 15-23). It would have been obvious to one of ordinary skill in the art at the time of the invention to have stored the failed navigation script of DaCosta and for the proper notifications of the failed script to have included a point in process of the failure along with the an identifier of the associated web page, because Weinberg teaches that by storing the failed navigation script, a developer can easily display the results of the navigation and quickly determine the location of the failure of the routine (column 3, lines 29-44). This would have made the re-teaching (i.e. correcting) of the navigation script easier for the developer (column 6, lines 9-13 & 35-41).

-In regard to dependent claims 2, 13, and 19, DaCosta teaches wherein the network could be the Internet (column 2, line 13: “Internet”) and wherein the electronic information page was a web page (column 2, line 13: “web site”) on the network.

-In regard to dependent claim 3, DaCosta teaches wherein the logic blocks include site logic blocks, automated site-login blocks, and automated site-registration blocks (column 2, lines 55-67; column 5, lines 37-43).

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-In regard to dependent claim 4, DaCosta teaches wherein the software application was an Internet based application executing and running on a server (column 18, lines 26-40).

-In regard to dependent claim 5, DaCosta teaches wherein the application was accessible through a network browser (column 2, lines 10-30: "Browser").

-In regard to dependent claim 6, DaCosta teaches wherein the templates are test routines executed for determining success or failure of the routine (column 6, lines 9-13 & 35-41; column 18, lines 54-65).

-In regard to dependent claim 7, DaCosta teaches wherein the templates are executable instruction orders containing logic blocks (column 2, lines 55-67).

-In regard to dependent claim 8, DaCosta teaches wherein the functional logic blocks are modular and self-installable within the templates (column 2, lines 55-67)(Fig. 2: 60, 70, 80, 90).

-In regard to dependent claim 9, DaCosta teaches wherein the data files are human readable and are accessed by developers for the purpose of affecting updating of the navigation templates (column 18, lines 54-67).

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-In regard to dependent claim 10, DaCosta teaches wherein the developers access the application via individual computerized workstations (column 18, lines 34-67)(Fig. 7: “User Developer”).

-In regard to dependent claim 11, DaCosta teaches wherein the error notification and data file are performed in the event failure or a client’s personalized navigation template (column 6, lines 9-13 & 35-41; column 18, lines 34-67).

-In regard to dependent claim 14, DaCosta teaches wherein the software application was an Internet (column 2, line 13: “Internet”) based application executing and running on a server (column 18, lines 26-40).

-In regard to dependent claims 15 and 16, DaCosta teaches wherein a single server system hosting both the proxy navigation software and the software application (column 18, lines 26-40).

-In regard to dependent claim 17, DaCosta teaches wherein software application and the proxy navigation software are integrated as a single application enabling both functions of navigation according to navigation templates and notifying and recoding failed instances of navigation (column 18, lines 26-67).

-In regard to independent claim 18, DaCosta teaches a method for receiving automated notification of random structural changes applied to electronic information pages hosted on a network comprising:

- establishing notification of a failed navigation and interaction routine executed for the purpose of navigating to and interacting with an electronic information page (column 6, lines 9-13 & 35-41; column 18, lines 34-67: “email or pager notification”).

- creating an instance of the failed routine including parameters associated with the cause of failure (column 6, lines 9-13 & 35-41; column 18, lines 34-67: “proper notifications”);

- accessing the notification of the of the failed routine for review purposes (column 6, lines 9-13 & 35-41; column 18, lines 34-67: i.e. developer accesses failed script for re-teaching purposes);

- being able to navigate to the electronic information page identified in the recorded instance (column 6, lines 9-13 & 35-41; column 18, lines 34-67: i.e. developer accesses failed script for re-teaching purposes);

- accessing source information associated with the electronic information page identified in the recorded instance (i.e. re-teaching a new navigation and extraction script by accessing the source information).

- creating new logic according to the source information and according to information contained in the recorded instance (column 6, lines 9-13 & 35-41; column 18, lines 34-67);

- installing the new logic into existing navigation templates that depend on the updated information for successful function column 6, lines 9-13 & 35-41; column 18, lines 34-67; column 19, lines 1-15).

DaCosta does not specifically teach wherein the instance of the failed navigation routine was stored for future review. Weinberg teaches storing the data file (column 2, lines 39-40; column 6, lines 19-22), wherein the application periodically submits test navigation and interaction routines (column 6, lines 19-22), and upon failure of the routine, creates a data file (column 2, lines 39-40; column 3, lines 29-43; column 6, lines 19-22; column 17, lines 10-52)(Fig. 5F), the data file comprising a point-of-failure indication within the failed routine (Fig. 5F: column 17, lines 17-21), an identifier of the associated electronic page (columns 17-18: lines 62-12)(Fig. 5F: "URL: www.mercint.com"), and stores the data file in the data repository sending notification of the action to the developer (column 2, lines 39-40; column 6, lines 15-23). It would have been obvious to one of ordinary skill in the art at the time of the invention to have stored the instance of the failed navigation script of DaCosta, because Weinberg teaches that by storing the failed navigation script, a developer can easily display the results of the navigation and quickly determine the location of the failure of the routine (column 3, lines 29-44). This would have made the re-teaching (i.e. correcting) of the navigation script easier for the developer (column 6, lines 9-13 & 35-41).

-In regard to dependent claim 20, DaCosta teaches wherein the navigation routine was performed according to a test navigation template (Fig. 2: i.e. according to the navigation and extraction scripts)

-In regard to dependent claim 21, DaCosta teaches wherein the navigation routine was performed according to a client navigation template (Fig. 7: "User").

-In regard to dependent claim 22, DaCosta teaches wherein the recorded instance of the failed routine was created in the form of a data file and stored in a data repository (column 6, lines 9-13 & 35-41; column 18, lines 54-67).

-In regard to dependent claim 23, DaCosta teaches wherein the recorded instance of the failed navigation routine was accessed by a software developer (column 6, lines 9-13 & 35-41; column 18, lines 54-67).

-In regard to dependent claim 24, DaCosta teaches wherein navigation was performed by the developer utilizing an instance of a browser installed on a computerized workstation (column 2, lines 11-30).

-In regard to dependent claim 25, DaCosta teaches wherein the new logic was in the form of a modular logic block installable to a navigation template (column 6, lines 9-13 & 35-41; column 18, lines 54-67).

-In regard to dependent claim 26, DaCosta teaches wherein the new logic block self-installs to a depended navigation template (column 6, lines 9-13 & 35-41; column 18, lines 42-67).

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-In regard to dependent claim 27, DaCosta teaches testing the new logic before the implementation (column 19, lines 1-15).

-In regard to dependent claim 28, DaCosta teaches creating more than one logic block within a navigation template and wherein more than one block could fail (column 6, lines 9-13 & 35-41; column 18, lines 34-67; column 19, lines 1-15).

Response to Arguments

Applicant's arguments with respect to claims 1, 12, and 18 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Adam L. Basehoar whose telephone number is (571)-272-4121. The examiner can normally be reached on M-F: 7:00am - 4:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Steve Hong can be reached on (571) 272-4124. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

ALB



STEPHEN HONG
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